

REFERENCE TITLE: **child support clearinghouse; misdirected payments**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2279

Introduced by
Representatives Burges, Barnes, Chase, Landrum Taylor, Murphy, Smith,
Senator Gray: Representatives Allen J, Biggs, Boone, Gorman, Gray C,
Jones, Mason, McComish, McLain, Nichols, Quelland, Rosati, Stump, Weiers
JP, Yarbrough, Senators Allen, Blendu, Gould, Johnson, Verschoor

AN ACT

AMENDING SECTION 25-510, ARIZONA REVISED STATUTES; RELATING TO FAMILY SUPPORT DUTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-510, Arizona Revised Statutes, is amended to
3 read:

4 25-510. Receiving and disbursing support and maintenance monies

5 A. The support payment clearinghouse established pursuant to section
6 46-441 shall receive and disburse all monies, including fees and costs,
7 applicable to support and maintenance unless the court has ordered that
8 support or maintenance be paid directly to the party entitled to receive the
9 support or maintenance. Within two business days the clerk of the superior
10 court shall transmit to the support payment clearinghouse any maintenance and
11 support payments received by the clerk. Monies received by the support
12 payment clearinghouse in cases not enforced by the state pursuant to title
13 IV-D of the social security act shall be distributed in the following
14 priority:

15 1. Current child support or current court ordered payments for the
16 support of a family when combined with the child support obligation.

17 2. Current spousal maintenance.

18 3. The current monthly fee prescribed in subsection D of this section
19 to cover the cost of handling support or spousal maintenance payments.

20 4. Past due support reduced to judgment and then to associated
21 interest.

22 5. Past due spousal maintenance reduced to judgment and then to
23 associated interest.

24 6. Past due support not reduced to judgment and then to associated
25 interest.

26 7. Past due spousal maintenance not reduced to judgment and then to
27 associated interest.

28 8. Past due amounts of the fee prescribed in subsection D of this
29 section to cover the cost of handling support or spousal maintenance
30 payments.

31 B. In any proceeding under this chapter regarding a duty of support,
32 the records of payments maintained by the clerk or the support payment
33 clearinghouse are prima facie evidence of all payments made and disbursed to
34 the person or agency to whom the support payment is to be made and are
35 rebuttable only by a specific evidentiary showing to the contrary. **THE**
36 **OBLIGEE HAS A DUTY TO NOTIFY THE SUPPORT PAYMENT CLEARINGHOUSE OF ANY CHANGE**
37 **IN LEGAL CUSTODY. IF THE SUPPORT PAYMENT CLEARINGHOUSE MISDIRECTS A SUPPORT**
38 **PAYMENT TO A PERSON WHO IS NO LONGER ENTITLED TO RECEIVE SUPPORT DUE TO A**
39 **CHANGE IN A CUSTODY ORDER, THE PERSON OBLIGATED TO PAY SUPPORT IS NOT**
40 **RESPONSIBLE FOR ANY PAYMENTS NOT RECEIVED BY THE NEW OBLIGEE.**

41 C. At no cost to the clerk of the superior court, the department shall
42 provide electronic access to all records of payments maintained by the
43 support payment clearinghouse, and the clerk shall use this information to
44 provide payment histories to all litigants, attorneys and interested persons
45 and the court. For all non-title IV-D support cases, the clerk shall load

1 new orders, modify order amounts, respond to payment inquiries, research
2 payment related issues, release payments pursuant to orders of the court and
3 update demographic and new employer information. The clerk shall forward
4 orders of assignment to employers for non-title IV-D support orders. Within
5 five business days the clerk shall provide to the department any new address,
6 order of assignment or employment information the clerk receives regarding
7 any support order. The information shall be provided as prescribed by the
8 department of economic security in consultation with the administrative
9 office of the courts.

10 D. The support payment clearinghouse shall receive a monthly fee of
11 two dollars twenty-five cents to cover the cost of handling support and
12 maintenance payments. The court shall order payment of the handling fee as
13 part of the order for support or maintenance. The handling fee shall not be
14 deducted from the support or maintenance portion of the payment.

15 Sec. 2. Retroactivity

16 This act is effective retroactively to from and after December 31,
17 2004.